

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, AUGUST 20, 2009, 1:00 P.M.**

CALL TO ORDER

Bill Mitchell, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Pat Haukohl	Bob Peregrine	Jim Siepmann	
	Gary Goodchild	Walter Kolb	Bill Mitchell	Bonnie Morris

Commission

Members Absent: None

Staff

Members Present: Sandy Scherer, Senior Planner
Kathy Brady, Secretary Supervisor
Amy Barrows, Senior Land Use Specialist

Guests Present: Cindy Purnell: CU-1471A, petitioner
Jeff Juech: Landscaper, Louis Kaiser (property owner)
Brian Depies: SCU-992E, Bielinski Development, Inc.
Owen Nason: Audience member

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES

- *Mr. Peregrine moved, seconded by Mrs. Haukohl and carried unanimously for approval of the July 2, 2009, Minutes.*
- *Mr. Peregrine moved, seconded by Mrs. Haukohl and carried unanimously for approval of the July 16, 2009, Minutes.*

PUBLIC COMMENT

Chairperson Mitchell asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

• **CU-1471A (Michael and Cynthia Purnell) Town of Ottawa, Section 12**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 20, 2009, and made a part of these Minutes. She pointed out the location of the property, at W349 S3090 Waterville Road in the Town of Ottawa on the aerial photograph and indicated the request is for amendments to the existing Conditional Use to allow a craft sale to occur on the upper level of the barn (in addition to the lower level) and approval to utilize the bathroom facilities in the new residence on the property for the craft sale as the original residence has been razed.

Ms. Scherer indicated the request is for amendments to the existing Conditional Use (CU-1471). Mrs. Haukohl mentioned that Conditions No. 7 and 16 pertain to the Town Building Inspector and local Fire Department inspecting both levels of the barn to determine if the structure can accommodate the proposed use. She expressed concerns that the County not be held liable for any accidents that may happen during

the event. Ms. Scherer commented that Condition No. 7 addresses the liability issue. Chairperson Mitchell asked if the Building Inspector is qualified to determine if the second floor of the barn is structurally sound? Mr. Goodchild responded, that the Town of Ottawa Plan Commission requested the two inspections. Ms. Purnell, petitioner, said the barn was inspected by the Building Inspector who indicated the handrail for the stairs to the second floor would need to be stabilized this year and the staircase replaced next year. She said they decided to go ahead and replace the staircase this year. She also indicated by August 21, 2009, all of the Building Inspector's recommendations will have been met. The Fire Department inspected the barn and gave them their recommendations which will be met next week. Ms. Scherer asked if the recommendations from the Building Inspector and Fire Department were made in writing? Ms. Purnell replied, she did not receive anything in writing, but she would ask them about it the next time they meet. Mrs. Morris said she has attended past craft fairs on the property and supports the request.

After discussion, Mrs. Morris moved, seconded by Mr. Kolb, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-09-OTWT-4 (Michael and Cynthia Purnell) Town of Ottawa, Section 12**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 20, 2009, and made a part of these Minutes. She stated the request was related to the previous Conditional Use CU-1471A.

After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Kolb, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU-1368C (Rosebury Farm, LLC) Town of Genesee, Section 34**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 20, 2009, and made a part of these Minutes. She pointed out the location of the property, at W300 S6215 S.T.H. 83 in the Town of Genesee on the aerial photograph and indicated the request is to amend several conditions of the existing Conditional Use Permit for the operation of a horse boarding and training facility.

Ms. Scherer indicated the requested amendments to the conditions are related to the scheduled widening of S.T.H. 83. Chairperson Mitchell asked if someone will be living in the apartment on site? Ms. Scherer replied, "Yes," Condition No. 15 requires the petitioner or staff member of the operation to reside on site. Chairperson Mitchell and Mrs. Haukohl asked, because of the road widening project if the petitioners would be compensated (ie. relocation of the petitioner's storm water basin, the same number of horses currently being allowed even if total acreage is being reduced, etc.)? Ms. Scherer replied that she was unsure of the agreements made between the petitioner and the State regarding compensation. Chairperson Mitchell mentioned that it would not affect the decision of the Commission.

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-09-GNT-19 (Rosebury Farm LLC) Town of Genesee, Section 34**

Ms. Scherer presented the “Staff Report and Recommendation” dated August 20, 2009, and made a part of these Minutes. She stated the request was related to the previous Conditional Use CU-1368C.

After a brief discussion, Mrs. Morris moved, seconded by Mrs. Haukohl, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCU-992E (Bay Pointe Condominium) Town of Oconomowoc, Section 35**

Ms. Scherer presented the “Staff Report and Recommendation” dated August 20, 2009, and made a part of these Minutes. She pointed out the location of the property, in the Town of Oconomowoc on the aerial photograph and indicated the request is to amend the conditions of the existing Conditional Use Permit, which allows for the Bay Pointe Condominium community.

Mrs. Haukohl asked if there are any Department of Natural Resource restrictions on the ponds, to which Ms. Barrows, Senior Land Use Specialist responded, “No,” the ponds are private, man-made ponds. She explained, in the Conditional Use there is a 25 ft. native vegetated buffer/setback for the ponds. Mrs. Haukohl expressed concerns regarding the wording in Condition No. 11 relating to changes and modifications exceeding the limitations and intent being reviewed and approved by the Town of Oconomowoc Plan Commission and the Planning and Zoning Division Staff. She suggested that when modifications exceed the limitations and intent, the matter should come back before the Waukesha County Park and Planning Commission. Mr. Peregrine said originally, when Bielinski filed their Declaration of Condominium, it was not expandable, it covered the entire site, 135 units and now is being built in phases. He said that Bielinski has appeared many times before the Town of Oconomowoc Plan Commission for minor changes such as a patio, the addition of 1 ft. to a garage, etc. He felt it would be a nuisance for Bielinski to have to keep coming back for small matters. Ms. Barrows said the only time Bielinski would have to come back to the Town and County Planning Commissions would be for substantial changes that exceed the limit of the original Conditional Use. Mr. Goodchild explained that for the types of minor changes that Mr. Peregrine mentioned, it would not be necessary to come back before the Town and County Plan Commissions, only if there was a substantial change. Mrs. Haukohl suggested that Condition No. 2 (regarding the original Condition No. 11) be amended to read:

2. Condition No. 11 be amended as follows: “Any changes or modifications to any part of this development that the Town Planner or the Waukesha County Parks and Land Use Staff feel exceeds the limitations and intent of this Conditional Use shall be reviewed and approved by the Town of Oconomowoc Planning Commission **and the Waukesha County Park and Planning Commission** prior to implementation.”

The Commission agreed, and Ms. Scherer noted it would only apply if the Town Plan Commission and the Waukesha County Department of Parks and Land Use Staff felt the limitations and intent are being exceeded. Mrs. Morris wondered, if in the future, the Town of Oconomowoc Plan Commission felt a proposed modification did not exceed the limitation and intent, however, the Planning and Zoning Division Staff felt it did, who would have jurisdiction, the Town or County? Ms. Scherer, said the Town Planner and the Planning and Zoning Division Staff would need to work together. If there was a disagreement, the matter would have to come before both the Town Plan Commission and the Waukesha County Park and Planning Commission.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild, and carried unanimously for approval, to amend Condition No. 2 in the Staff Report and Recommendation to read as follows:

- 2. Condition No. 11 be amended as follows: “Any changes or modifications to any part of this development that the Town Planner or the Waukesha County Parks and Land Use Staff feel exceeds the limitations and intent of this Conditional Use shall be reviewed and approved by the Town of Oconomowoc Planning Commission and the Waukesha County Park and Planning Commission prior to implementation.”*

After further discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for approval of SCU-992E, as conditioned, in accordance with the amended “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **(Louis Kaiser) Town of Merton, Section 27**

Ms. Scherer presented the “Staff Memorandum” dated August 20, 2009, and made a part of these Minutes. She pointed out the location of the property, at N61 W30721 Beaver View Road in the Town of Merton on the aerial photograph and indicated the request is to replace existing retaining walls located within 5 ft. of the west property line.

Ms. Scherer indicated, after review, some minor changes were made to the wording of the “Staff Memorandum”. She explained each of the changes and the Commission agreed to incorporate the changes. Mrs. Haukohl mentioned the Land Resources Division recommended the work area be enclosed with wattles, and wondered what a “wattle” was? Ms. Barrows replied, it is circular filter fabric filled with straw or some other type of absorbent material to prevent sedimentation from passing through. Mrs. Haukohl asked, (referring to the plan of the layout of the patio) why the petitioner’s are allowed to have a patio that goes right up to the lake? Ms. Barrows responded, if it was a new patio, it would not be allowed, however, there is a deck with posts above the patio and another patio below it, which allows the continuation of an existing use. Reconstruction of the structures more than 50% would need a Variance from the Board of Adjustment.

After discussion, Mrs. Haukohl moved, seconded by Mr. Kolb, and carried unanimously for approval, incorporating the changes to the staff memorandum as suggested by Ms. Scherer and as conditioned, in accordance with the amended “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mrs. Morris to adjourn at 1:35 p.m.

Respectfully submitted,

Bonnie Morris
Secretary

BM:kab